Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 12/01/16	Bureau/Station/Facility: Lakewood Station	Admin. Invest.? ☐ Hit? ☑

Incident Information

URN: 016-25785-1363-057	Date: 12/01/16 Time: 1511
City or Station: Paramount	Nature of Incident: Deputies and fire fighters responded to location regarding a structural fire. The suspect fought with firefighters and deputies. An unintentional shooting occurred during the fight and arrest.
Location: [redacted] San Luis Street	

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☐ Street
- Other:

Lighting (*check only one*):
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: Several Inches

Incident Type (*check one or more*):
- ☐ Accidental
- ☐ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☑ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☑ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☑ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☑ Other
- ☐ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy: 1

Total # of Shots Fired by Suspect: 0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	[redacted]	[redacted]	[redacted]	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
Sweeny	James	NMI	L.A. Co. Fire Dept. Firefighter			(323) 881-2411	
Balderson	Gary	NMI	L.A. Co. Fire Dept. Firefighter			(323) 881-2411	
Ortega	Heriberto	NMI	L.A. Co. Fire Dept. Firefighter			(323) 881-2411	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Salehpour	Joseph	NMI	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Taylor	Mat	A.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Guerrero	Gerardo	NMI

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Moses	Steven	J.

PSTD Use Only

SH # ______________

SUPPLEMENTAL EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	Lakewood Station		(323) 981-5300	
[redacted]	[redacted]	[redacted]	Lakewood Station		(562) 623-3500	
[redacted]	[redacted]	[redacted]	Lakewood Station		(562) 623-3500	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Rivera	Michael	NMI	L.A. Co. Fire Department/Firefighter		323-881-2411	
Leclercq	Jaime	NMI	L.A. Co. Fire Department/Firefighter		323-881-2411	
Magana	Micheal	NMI	L.A. Co. Fire Department/Firefighter		323-881-2411	
Westmoreland	Mike	NMI	L.A. Co. Fire Department/Firefighter		323-881-2411	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	

Officer Involved Shooting
Involved Employee Information

URN: 016-25785-1363-057

Involved Employee

E 1

Employee # [redacted]	Last Name: Chavez	First Name: Antonio	M.I.: N.
Sex: M Race: H	Rank: DSG	Unit Assignment: Lakewood	Work Assignment (Unit #, Module, etc.): 136F1
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'10"	Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson	Caliber: 9mm # Shots: 1	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 016-25785-1363-057

Suspect Information

S 1

Last Name: Martinez	First Name: Rudolfo	M.I. NMI
AKA Last Name:	First Name:	M.I.

Sex: M Race: H	Street Addres[redacted]	City [redacted]	[redacted]
Work Phone:	Home Phone: [redacted]	Social Sec[redacted]	Driver's Lic[redacted]
Age: 32 D.O.B. 03-17-84	Height: 5'10" Weight: 200	FBI # [redacted]	CII # [redacted]
Booking # 4847076	Primary Charge: 245(c) PC	Secondary Charge: 451(b) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]

Vehicle Make Model: Year: Parole: [redacted] Probation: [redacted] Prior Felony Conviction: [redacted]

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make Model: Year: Parole: Probation: Prior Felony Conviction:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make Model: Year: Parole: Probation: Prior Felony Conviction:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make Model: Year: Parole: Probation: Prior Felony Conviction:

See Other Side

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
12/01/16	2240		

Employee #	Last Name	First Name	M.I.
[redacted]	Grall	David	M.
[redacted]	Valle	Paul	S.
[redacted]	Hamil	Jeffrey	F.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OB					CP	FA
E1	S1	TT						
E5	S1	TT						
S1	E1	RS						
E1	S1	PH						
E5	S1	RH						
E6	S1	RH						
S1	E1	PO					HB	AR
E1	S1	PH						
E6	S1	PH						
E4	S1	TR						
E2	S1	RH						
E1	S1	FH	SW	9	Y	Y	GS	BT
E3	S1	CT						
E7	S1	HB						

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Unintentional Discharge - Suspect Hit/Injured Use of Force**
IAB FILE NUMBER:	**SH2510487 / FO2418182**
URN#:	**016-25785-13693-057**
DATE/TIME:	**December 1, 2016 / 1511 hours**
LOCATION:	[redacted] **San Luis Street, Paramount, CA 90723**

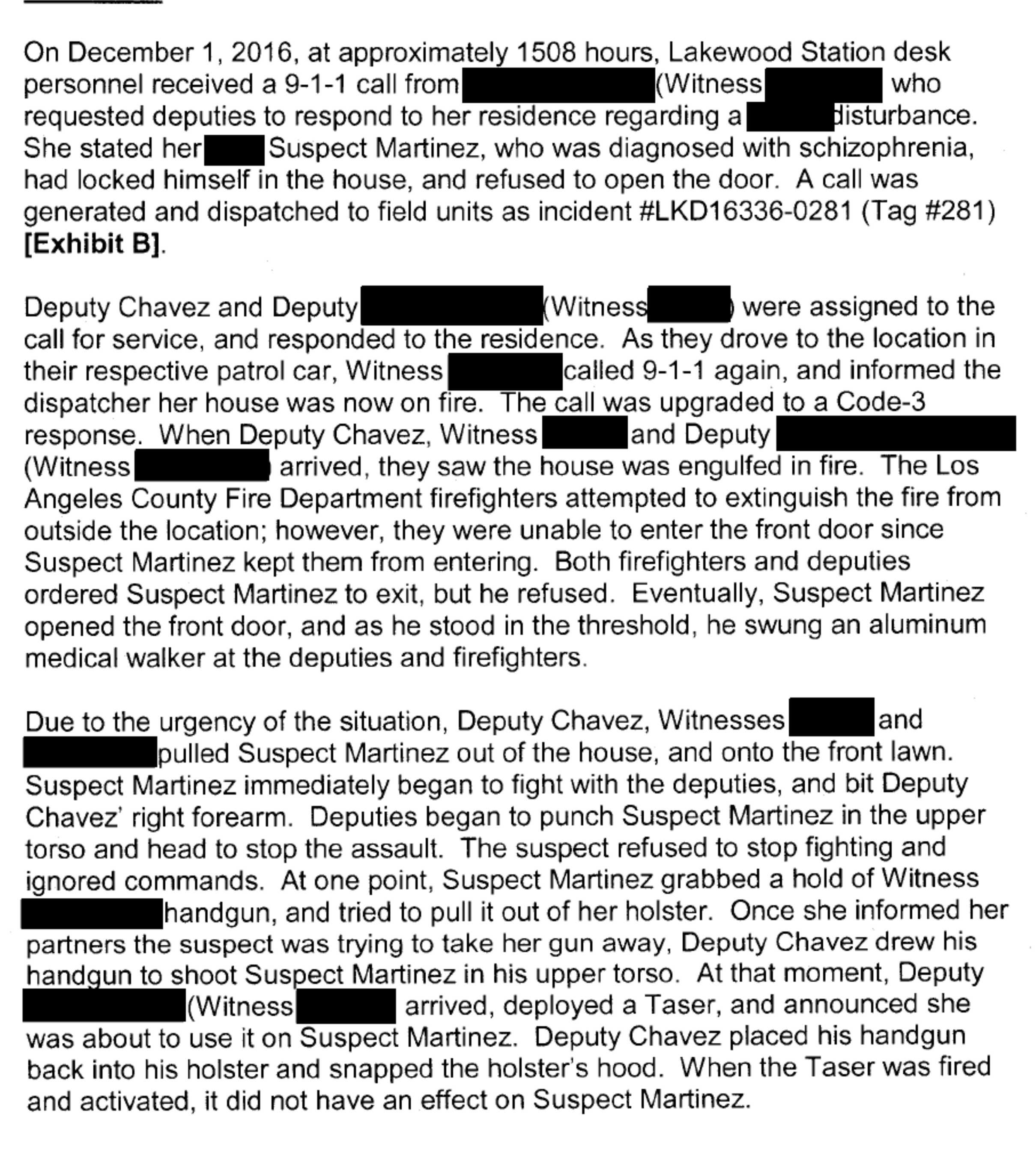
On December 1, 2016, an Internal Affairs Bureau (IAB) Shooting Response Team comprised of Lieutenant David Grall, Sergeant Paul Valle, and Sergeant Jeffrey Hamil responded to [redacted] San Luis Street, Paramount regarding an unintentional discharge, resulting in a suspect being struck by gunfire.

Lieutenant Grall verified Industry Station Watch Commander, Sergeant Steven Moses #[redacted] took reasonable steps to ensure the involved personnel did not discuss the incident among themselves, or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Grall also ensured Sergeant Moses knew the involved personnel should not collectively consult with their representatives. Additionally, Lieutenant Grall confirmed Sergeant Moses ensured the involved personnel remained in the company of a supervisor until they provided statements to the assigned investigators.

Upon the arrival of IAB investigators, they learned there was an active command post and containment of the scene. Investigators learned of the series of events which culminated into a use of force incident, and the unintentional discharge involving Deputy Antonio Chavez. Additionally, Suspect Rodolfo Martinez, (Suspect Martinez) sustained one gunshot wound to his right buttocks and deputy personnel sustained a variety of injuries, such as smoke inhalation, contusions, and a human bite wound.

Homicide Bureau Detective Gail Durham, #[redacted] and Sergeant Howard Cooper, #[redacted] arrived and assumed control of the investigation. Information related to their investigation was documented in the Homicide Bureau investigation case book, under Uniform Report Number (URN) 016-25785-1363-057 **[Exhibit A]**.

IAB Note: A supplemental report, authored by Homicide Bureau Sergeant Chaffey Shepherd, #[redacted] and Detective Jonas Shipe, #[redacted] was not included in the Homicide Bureau case book [Exhibit A]. This supplemental report documented the interviews with several civilian witness. IAB investigators requested a copy of the report, and included it in the case file [Exhibit O].



SYNOPSIS

On December 1, 2016, at approximately 1508 hours, Lakewood Station desk personnel received a 9-1-1 call from [redacted] (Witness [redacted] who requested deputies to respond to her residence regarding a [redacted] disturbance. She stated her [redacted] Suspect Martinez, who was diagnosed with schizophrenia, had locked himself in the house, and refused to open the door. A call was generated and dispatched to field units as incident #LKD16336-0281 (Tag #281) **[Exhibit B]**.

Deputy Chavez and Deputy [redacted] (Witness [redacted]) were assigned to the call for service, and responded to the residence. As they drove to the location in their respective patrol car, Witness [redacted] called 9-1-1 again, and informed the dispatcher her house was now on fire. The call was upgraded to a Code-3 response. When Deputy Chavez, Witness [redacted] and Deputy [redacted] (Witness [redacted]) arrived, they saw the house was engulfed in fire. The Los Angeles County Fire Department firefighters attempted to extinguish the fire from outside the location; however, they were unable to enter the front door since Suspect Martinez kept them from entering. Both firefighters and deputies ordered Suspect Martinez to exit, but he refused. Eventually, Suspect Martinez opened the front door, and as he stood in the threshold, he swung an aluminum medical walker at the deputies and firefighters.

Due to the urgency of the situation, Deputy Chavez, Witnesses [redacted] and [redacted] pulled Suspect Martinez out of the house, and onto the front lawn. Suspect Martinez immediately began to fight with the deputies, and bit Deputy Chavez' right forearm. Deputies began to punch Suspect Martinez in the upper torso and head to stop the assault. The suspect refused to stop fighting and ignored commands. At one point, Suspect Martinez grabbed a hold of Witness [redacted] handgun, and tried to pull it out of her holster. Once she informed her partners the suspect was trying to take her gun away, Deputy Chavez drew his handgun to shoot Suspect Martinez in his upper torso. At that moment, Deputy [redacted] (Witness [redacted] arrived, deployed a Taser, and announced she was about to use it on Suspect Martinez. Deputy Chavez placed his handgun back into his holster and snapped the holster's hood. When the Taser was fired and activated, it did not have an effect on Suspect Martinez.

Deputy [redacted] (Witness [redacted], Deputy [redacted] (Witness [redacted], and Deputy [redacted] (Witness [redacted]) arrived, and assisted in trying to arrest Suspect Martinez. While Deputy Chavez continued to fight and wrestle with Suspect Martinez on the ground, Deputy Chavez' handgun unintentionally fired one round while inside his holster. Suspect Martinez was eventually handcuffed and moved away from the burning house. Deputies noticed Suspect Martinez had large lacerations across his right wrist, and a wound to his buttocks area. He was treated by fire department personnel and ultimately transported to Saint Francis Medical Center for treatment.

During the altercation, Deputy Chavez believed he shot himself because he felt heat near his right hip and thigh area. After Suspect Martinez was handcuffed, Deputy Chavez checked his body for wounds, but did not find any. All of the deputies involved checked themselves, but they did not find any gunshot wounds. At this point, deputy personnel began to speculate the source of the gunshot as possibly fireworks and/or a sound emanating from within the fully engulfed burning house.

Suspect Martinez was transported to the hospital for a medical evaluation and treatment for lacerations across this wrists. While medical staff treated Suspect Martinez, he became assaultive and had to be sedated. At that time the doctor confirmed a single though-and-though gunshot wound to Suspect Martinez' right buttocks.

On December 1, 2016, Homicide Bureau detectives began their investigation, and interviewed all of the deputies involved with the incident. During Deputy Chavez's interview, an inspection and a round count was conducted of his firearm. Detectives found one expended cartridge in the chamber. The magazine was found to be fully loaded to its capacity. It was at this point Deputy Chavez realized he fired one round.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office reviewed the shooting of Suspect Martinez by Deputy Chavez. In the letter of opinion dated February 18, 2020, Head Deputy District Attorney Shannon Presby concluded Deputy Chavez utilized reasonable force and acted in lawfully self-defense **[Exhibit C]**. Additionally, Deputy District Attorney Presby found the discharge that resulted in the injury to Suspect Martinez was accidental and not intentional.

INVOLVED EMPLOYEES AND WORK HISTORY

Chavez, Antonio N. Deputy Sheriff, #[redacted]
South Patrol Division, Lakewood Station

Work History

Date of Employment: September 1, 2001
Date Assigned to Lakewood Station: September 7, 2014
Date Completed Patrol Training: [redacted]
Prior Shooting Incident(s):

Equipment Worn On Person

Deputy Chavez was wearing a Class "A" uniform with a gun belt. His gun belt contained a holster with his duty weapon, one magazine pouch containing two magazines, a can of Oleoresin Capsicum (OC) spray, a collapsible baton, two sets of handcuffs in cases, and a portable radio within a holder.

SUSPECT INFORMATION

Martinez, Rodolfo
Male, Hispanic, DOB: March 17, 1984, 5'11", 200 pounds.
[redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted]

IAB Note: A copy of Suspect Martinez' criminal history was included in the Homicide Bureau Investigation Case Book [Exhibit A, pages 96-109].

WITNESSES

Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
James Sweeney
Alex Magana
Gary Balderston
Mike Westmoreland
Heriberto Ortega
Michael Rivera
Jaime Leclercq
[redacted]
Sergeant Daniel Inez

INJURIES

Suspect Martinez sustained a single through-and-through gunshot wound to the right buttocks. Additionally, he sustained self-inflicted lacerations to both of his wrists. For a detailed description of Suspect Martinez' injuries refer to page one (1) of the Los Angeles County Medical Center "CTC Admission Notes" **[Exhibit D]**.

DEPUTY PERSONNEL INJURIES

The following deputies were transported to Lakewood Regional Medical Center, where they received treatment for their injuries: Witnesses [redacted] and [redacted] were treated for smoke inhalation. Deputy Chavez was treated for smoke inhalation, contusions to his face, and a human bite to his right forearm. Witnesses [redacted] and [redacted] were treated for smoke inhalation and lower back pain.

PHYSICAL EVIDENCE

All physical evidence was located and collected by Los Angeles County Sheriff's Department Scientific Services Bureau personnel. One (1) expended 9 mm cartridge, stamped "Speer 9mm Luger", was located on the property's front lawn, approximately three (3) feet north of the chain-link fence, and four to six (4-6) inches west of the center cement walkway. One expended bullet was located on the north edge of the public sidewalk, just south of the property's front chain-link fence, approximately four (4) feet west of the pedestrian gate. For descriptions of all the evidence collected and where it was collected, refer to the Crime Scene Investigation Reports **[Exhibit A, pages 63-70 and 77-90]**.

A sketch of the scene was created by Forensic Identification Specialist II Michael Bayer, #[redacted] **[Exhibit E]**. Crime Scene Investigation Reports were authored by Forensic Identification Specialist II Michael Bayer and Forensic Identification Specialist II Erika Di Palma, #[redacted] **[Exhibit A, pages 77-78 and 86-88]**. Firearms examination and test fire reports were authored by Deputy Ivan Chavez, #[redacted] **[Exhibit A, pages 79-85]**. A compact disc containing photographs of the scene, the involved deputies, and their weapons were included with this case file **[Exhibit F]**.

On December 12, 2016, Homicide Bureau detectives discovered a portion of the contact between deputies and Suspect Martinez on the front yard was filmed by Mr. [redacted] Sergeants Recchia, #[redacted] and Shephard contacted Mr. [redacted] who provided them with a copy of the video he filmed **[Exhibit A, page 69]**. They booked the video into evidence, and included it as part of their investigation **[Exhibit G]**.

DISTANCE

Deputy Chavez was on top of Suspect Martinez' back, fighting and wresting with him on the ground at the time the handgun was discharged.

INVESTIGATOR OBSERVATIONS

On December 1, 2016, at approximately 2120 hours, IAB Lieutenant Grall, Sergeant Valle, and Sergeant Hamil responded to the scene, and arrived at approximately 2240 hours. Homicide Bureau Lieutenant John Corina, #[redacted] conducted a briefing of the incident, and then narrated an escorted walk-through of the scene.

The scene was described in detail by Homicide Bureau Sergeants O'Brien, #[redacted] and Recchia. Their description of the scene was consistent with the initial IAB investigator's observations.

WEAPON USED BY DEPUTY CHAVEZ

During Deputy Chavez's interview with Homicide Bureau, a round count was conducted. His weapon was a Smith & Wesson; model M&P9, 9mm luger caliber, semiautomatic handgun. When his weapon was unloaded, one (1) expended cartridge was found in the weapon's chamber, and seventeen (17) live cartridges were in the magazine. The firearm was examined by Scientific Services Bureau Senior Criminalist Manuel Munoz, #[redacted] The weapon was found to be functional **[Exhibit A, pages 79-83]**.

Prior to the shooting, Deputy Chavez qualified with his firearm [redacted]

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation into the shooting was handled by Detective Durham and Sergeant Cooper of the Los Angeles County Sheriff's Department's Homicide Bureau. The case was presented to the Los Angeles County District Attorney's office, Compton Court Branch, for filing considerations. The following six criminal counts were filed against Suspect Martinez, Complaint Number TA141975: Count one, Arson of an Inhabited Structure or Property, 451(b) PC, a felony; Count two, Assault upon a Peace Officer or Firefighter, 245(c) PC, a felony; Count three, Assault with a Deadly Weapon, 245(a)(1) PC, a felony; Count four, Assault upon a Peace Officer or Firefighter, 245(c) PC, a felony; Count five, Sending a False Bomb, 148.1(d) PC, a felony; Count six, Resisting,

Delaying, or Obstructing a Public Officer, a Peace Officer or Emergency Medical Technician, 148(a)(1) PC, a misdemeanor.

On August 15, 2017, pursuant to a plea agreement, Suspect Martinez was sentenced to a five-year state prison term.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by daylight. The weather was clear and warm.

VIDEO FOOTAGE

The following is a review of the video footage **[Exhibit G]**:

00:00	Several firefighters appeared to talk to Suspect Martinez, who stood on the front porch.
00:08	A firefighter was spoke to Witness [redacted] on the front yard.
00:15	Deputy Chavez ran westbound on the north sidewalk, toward the house.
00:17	Suspect Martinez pushed a firefighter off of the front porch.
00:21	Suspect Martinez closed the front security door.
00:53	Witness [redacted] and Deputy Chavez, who stood on the front lawn, pointed their handguns toward the front door.
01:01	Suspect Martinez exited the front door, as he held a medical walker in his hands.
01:03	Witness [redacted] and Deputy Chavez walked toward the front door with their handguns pointed at Suspect Martinez. Witness [redacted] stood on the lawn behind Witness [redacted] and Deputy Chavez.
01:42	Suspect Martinez stood on the front porch, while he held the walker above his head, to keep the deputies away.
01:51	Deputy Chavez walked up to Suspect Martinez, who held the walker in front and above him.
01:55	Suspect Martinez struck Deputy Chavez near his head with the walker.
01:57	Deputy Chavez almost pulled the walker away from Suspect Martinez, but the suspect pulled it back.

01:58	Suspect Martinez struck Deputy Chavez near his head with the walker.
01:59	Suspect Martinez punched toward Deputy Chavez several times with his right fist.
02:01	Deputy Chavez grabbed a hold of the front of Suspect Martinez' clothes, and pulled him off the front porch.
02:03	Deputy Chavez, Witnesses [redacted] and [redacted] took Suspect Martinez down to the front lawn.
02:08	Deputy Chavez, who kneeled on the ground, punched Suspect Martinez several times with his right fist. Witnesses [redacted] and [redacted] were on the ground, and struggled with Suspect Martinez.
02:17	A female voice yelled "Gun!"
02:18	Witness [redacted] ran westbound through the front yard, toward the deputies.
02:19	A firefighter was alongside the deputies on the ground.
02:22	Witness [redacted] stood to the south of the deputies, while she held a Taser in her right hand.
02:24	A female voice yelled, "Tase him, Tase him, Fucking Tase him!"
02:27	Witness [redacted] stood over Suspect Martinez, and fired the Taser downward.
02:29	Witness [redacted] appeared to manipulated her handgun holster with her right hand.
02:31	Deputy Chavez and Witness [redacted] continued to punch Suspect Martinez. Witness [redacted] controlled one of the suspect's arms.
02:50	The Taser could be heard as it cycled.
02:51	Witness [redacted] ran westbound onto the front lawn, toward the deputies.
03:05	Witness [redacted] walked toward Suspect Martinez' legs.
03:44	A firefighter walked over to the group of deputies on the ground.

03:58 A single gunshot was heard, followed by what appeared to be the sound of a bullet striking metal.

04:12 Witnesses [redacted] and [redacted] ran westbound on the front lawn toward the deputies.

04:23 Witness [redacted] moved to the ground.

04:25 Witness [redacted] appeared to communicate on his portable radio.

04:49 Deputy Chavez struggled to get up off the ground.

04:57 Video ended.

IAB Note: Throughout the video, there was only one sound heard that may have been a gunshot.

RADIO TRANSMISSION

Dispatch Frequency Review

The following is a review of some of the highlights from the Dispatch 14 recording **[Exhibit K/120116 T-281 DISP14]**. The below listed times are the actual times of when the transmission was made over the course of the incident. The SCC dispatcher will be referred to as the PRD (Public Response Dispatcher).

15:16 Tag 281 was voiced to field units by the PRD.

15:21 Unit 136 (Witness [redacted] advised the PRD she would respond to the location Code-3 in one minute. Unit 136F1 (Deputy Chavez) advised the PRD he would respond Code-3 to the location in two minutes. The PRD acknowledged and repeated their transmissions.

15:23 Unit 130S advised the PRD he was aware of Tag 281. Witness [redacted] (136) advised she arrived to the call.

15:26 Unit 131S advised he would respond to the location Code-3. Deputy Chavez (136F1) advised he arrived to the call.

15:27 Deputy Chavez (136F1) requested a sergeant to respond to the location Code-3. The PRD informed Deputy Chavez two sergeants would respond Code-3. Deputy Chavez advised the PRD a male at the scene was uncooperative, and had barricaded himself in the burning house.

15:28 The PRD advised Deputy Chavez she activated the duplex patch for coordination. A female deputy advised the PRD deputies were

involved in a fight. The PRD asked 130S for his estimated time arrival. Unit 130S advised he was one minute away from the location. A female voice yelled, "Gun, gun, gun! Tase him, Tase." Aero Bureau, Air 8 advised he would respond to the location in four minutes. Unit 30N1 (Witness [redacted] advised she would respond to the location in seconds.

15:31 Witness [redacted] (30N1) advised the fire department was on scene, and deputies attempted to handcuff the suspect. Witness [redacted] (136B) stated, "SCC, shots fired." The PRD acknowledged the transmission, and repeated it.

15:32 An unknown deputy advised all deputies were accounted for.

15:33 Witness [redacted] (136A) advised the suspect was handcuffed, but was uncooperative. When the PRD asked Witness [redacted] about the status of the shots fired, he advised no deputies were "hit." When the PRD asked Witness [redacted] if the suspect had been hit, there was no response.

15:34 Witness [redacted] (136A) began to coordinate assisting units, but transmission was difficult to understand due to poor radio quality. Air 8 asked if there was any outstanding suspects. Witness [redacted] (136A) said there were no outstanding suspects, and there was no "shots fired" at the scene. He said, "It was some sort of IED." The PRD asked 130S his ETA (estimate time of arrival), who advised he was delayed, and would arrive in seconds. After several seconds of routine radio traffic, 130S and 131S advised they arrived at the location. Unit 133B began to coordinate units to contain the area.

15:38 Routine radio traffic.

15:39 131S requested a command post to be established. He advised there was a "998," and the suspect sustained a grazing wound to his buttocks area. An unknown male's voice stated there was no shots fired, and it was some type of pack that "went off" in the deputy's pocket. The male also said there were nearby fireworks being fired. 131S acknowledged and said they needed to gather information.

15:40 131S advised there were sufficient amount of sheriff and fire department units on scene. He advised the suspect was in custody, was about to be transported, and deputies were in the process of establishing a command post. The PRD acknowledged and advised tactical frequency A-Tac 4 was ready for their use.

15:44 131S requested all units involved to switch to A-Tac 4.

INVOLVED EMPLOYEE'S STATEMENT

Deputy Antonio Chavez

On December 2, 2016, Involved Employee Deputy Chavez was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also present during the interview were IAB Sergeants Valle and Hamil. Attorney Mitchell Kander represented Deputy Chavez. Deputy Chavez was interviewed a second time on March 24, 2020, by IAB Sergeants Valle and Victor Puebla at the IAB office, and was again represented by Attorney Mitchell Kander.

> **IAB Note: IAB investigators were allowed to be present during Deputy Chavez' interview on December 2, 2016, since at the time, Homicide Bureau investigators had not determined which employee was involved in the shooting. Toward the end of the interview, it was discovered Deputy Chavez' weapon was fired during the incident. It was at that point the interview was concluded, and nothing further was asked about his actions.**

On December 1, 2016, Deputy Chavez was assigned to Unit 136F1, day shift. He was assigned as the handling unit of a [redacted] disturbance call at [redacted] San Luis Street in the city of Paramount, incident number LKD16336-0281. Witness [redacted] and Witness [redacted] were assigned to assist on the call for service. While Deputy Chavez drove to the location, he communicated with his assisting units over the L-Tac radio frequency, and coordinated their response to the location. Soon after, the call was updated for units to respond Code-3. Deputy Chavez and Witness [redacted] responded Code-3, while Witness [redacted] had already arrived on scene. Deputy Chavez recalled he heard Witness [redacted] inform units, over her radio, a male refused to exit the house. Deputy Chavez told her to not approach the male, and to wait for their arrival.

When Deputy Chavez and Witness [redacted] drove onto San Luis Street, they saw there several fire department trucks parked in front of the location. After he parked his patrol car away from the location, he ran toward the front yard and noticed the house was engulfed in fire. Fire department personnel attempted to extinguish the fire. When Deputy Chavez arrived to the front of the house, he noticed Witness [redacted] had her handgun pointed toward a male (Suspect Martinez), who stood at the front door to the residence.

Utilizing a sketch of the scene, created by Scientific Services Bureau, Deputy Chavez indicated where he saw Witness [redacted] standing when he arrived **[Exhibit H, page 1]**. Witness [redacted] stood on the sidewalk, near the front yard, by the chain link fence gate, which faced the front of the house. Deputy Chavez saw Suspect Martinez standing inside the residence, behind a metal security

door. Deputy Chavez spoke to Suspect Martinez and ordered him several times to exit the house. Suspect Martinez refused to exit. Deputy Chavez was concerned there were other people inside the burning house and Suspect Martinez hindered him and firefighters from entering the house. It appeared Suspect Martinez understood English because he responded by yelling, "Fuck you!" when he was ordered to exit.

Deputy Chavez noticed Suspect Martinez was covered in blood, sweat, and ash from the fire. Suspect Martinez opened the security door several times, then closed it and retreated inside. At one point, Suspect Martinez opened the security door while holding an aluminum medical walker. Suspect Martinez held the walker it in front of him to keep anyone away. Because Suspect Martinez was uncooperative and became a danger, Deputy Chavez utilized his portable radio and requested a sergeant to respond. Several seconds later, a sergeant responded over the radio he was on his way to the location.

Deputy Chavez felt an urgency to have Suspect Martinez exit immediately, not only for his safety, but for others who could be trapped inside the house. Deputy Chavez formulated a plan with Witnesses [redacted] and [redacted] to get Suspect Martinez out of the house. Deputy Chavez would contact Suspect Martinez at the front door, while Witness [redacted] would be responsible for the less lethal option, and Witness [redacted] would be responsible for communicating on the radio.

When Deputy Chavez approached the house, he opened the security door, and saw Suspect Martinez holding the walker over his head in front of him. Deputy Chavez thought to himself if Suspect Martinez were to hit him with the walker, he would hope to get hit on his arms. Deputy Chavez made the decision to get Suspect Martinez out of the house regardless if he hit him with the walker. Deputy Chavez approached Suspect Martinez, as he held the walker over his head. Suspect Martinez swung the walker down, and stuck Deputy Chavez' face just below his right eye, which caused him to lose his balance. Deputy Chavez quickly recovered and pulled the walker away from Suspect Martinez; however, Suspect Martinez punched him one time in his face. The strike caused him to lose his balance. Deputy Chavez was not clear how he pulled Suspect Martinez out of the house, but believed he either pulled the walker, which caused Suspect Martinez to step outside, or Deputy Chavez pulled one of the suspect's arms to pull him out.

Once Deputy Chavez pulled Suspect Martinez out of the house, they both fell onto the front lawn. Initially, Suspect Martinez landed on top of Deputy Chavez, but Deputy Chavez was able to roll Suspect Martinez onto his stomach. Deputy Chavez got on top of Suspect Martinez' back and straddled his body. Deputy Chavez wanted to immediately handcuff Suspect Martinez, but he began to push himself up off of the ground, in the form of a push up. Deputy Chavez punched the suspect on both sides of his head to keep him on the ground.

Deputy Chavez believed he saw Witness [redacted] on the ground underneath Suspect Martinez, and Witness [redacted] stood to his right side.

Deputy Chavez did not know exactly what he told Suspect Martinez, but he remembered he told him to stop fighting. Suspect Martinez ignored the commands and tried to stand up. At one point, Deputy Chavez believed Suspect Martinez got up onto his knees. Deputy Chavez wanted to keep him down on the ground, because Suspect Martinez was a greater threat if he stood up. Deputy Chavez remained behind Suspect Martinez, and continued to punch the sides of his head, which caused Suspect Martinez to fall back onto the ground. Suspect Martinez resisted to be handcuffed.

Deputy Chavez felt tired and winded as the fight continued with Suspect Martinez. He felt his body had become heavy, and it was difficult to breathe. In order to stop Suspect Martinez, Deputy Chavez attempted to apply a carotid restraint on Suspect Martinez. Deputy Chavez pulled Suspect Martinez' head backward with his left hand and tried to slide his right arm in front of his neck; however, Deputy Chavez' arm rested on Suspect Martinez' forehead. When Deputy Chavez slid his right arm down the suspect's face, Suspect Martinez bit his forearm. The bite caused a great amount of pain. He immediately pulled his arm away from Suspect Martinez, and began to punch the sides of his face again. Although Deputy Chavez had a baton on his person, he did not think to use it. He was in close proximity to his partners and Suspect Martinez for the baton to be effective.

Deputy Chavez had fought with Suspect Martinez for several minutes. He was tired and began to lose his strength. Deputy Chavez had inhaled smoke, which made it difficult to breathe. His arms became heavy, and he knew he could not last in the fight much longer. Deputy Chavez felt nothing he did to control Suspect Martinez helped, because the suspect continued to resist and fight.

Deputy Chavez saw Witness [redacted] on the ground as he struggled with Suspect Martinez. Witness [redacted] stood over them. Witness [redacted] screamed, "He's got my gun! Shoot him! Shoot him! He's got my gun!" Although he could not see when Suspect Martinez pulled on her gun, he clearly heard her tell everyone the suspect had her firearm.

Deputy Chavez felt there was nothing else he could do to stop Suspect Martinez, and he decided he needed to use deadly force. Before he un-holstered his firearm, Deputy Chavez rolled onto the grass. Both he and Suspect Martinez were now lying on their right side. Deputy Chavez was behind Suspect Martinez, who faced away from him. Witness [redacted] who was still on the ground, was on the opposite side of Suspect Martinez. Witness [redacted] was out of view from Deputy Chavez. Deputy Chavez was cognizant of Witness [redacted] location. Deputy Chavez drew his firearm and pointed it toward Suspect Martinez' back, trying to find a position to shoot. He did not want the bullet go

through Suspect Martinez' body and strike Witness [redacted] After he considered other areas to shoot for a few seconds, Deputy Chavez heard Witness [redacted] shout out she had a Taser. He looked over and saw Witness [redacted] pointing a Taser at Suspect Martinez. Deputy Chavez saw a red laser dot from the Taser, as it moved around Suspect Martinez' back.

Deputy Chavez placed his firearm back into his holster, and snapped the hood of the holster closed. Witness [redacted] shot the Taser, which struck Suspect Martinez. Although he did no see where the Taser darts hit, Deputy Chavez saw the dart's wires. The Taser did not have an effect on Suspect Martinez.

Several seconds later, Deputy Chavez heard one loud pop sound and felt a warm sensation on his right leg and right buttocks area. He believed he shot himself, and told his partners he thought he was shot. Deputy Chavez noticed his partners quickly looked around to see if anyone was shot; however, Suspect Martinez continued to struggle with them. Deputy Chavez believed, it was at this point, Witness [redacted] and Witness [redacted] arrived to assist. Witness [redacted] grabbed Suspect Martinez' legs, which allowed Witness [redacted] time to apply a RIPP hobble restraint around the suspect's ankles.

Deputy Chavez was exhausted from fighting with Suspect Martinez. Deputy Chavez was pulled away from Suspect Martinez, and other deputies were able to handcuff the suspect. Deputy Chavez did not see who placed the handcuffs on the suspect, or how he was handcuffed. Deputy Chavez stated someone helped him walk away from the front yard at the time Suspect Martinez was being handcuffed. He did not have any further contact with Suspect Martinez.

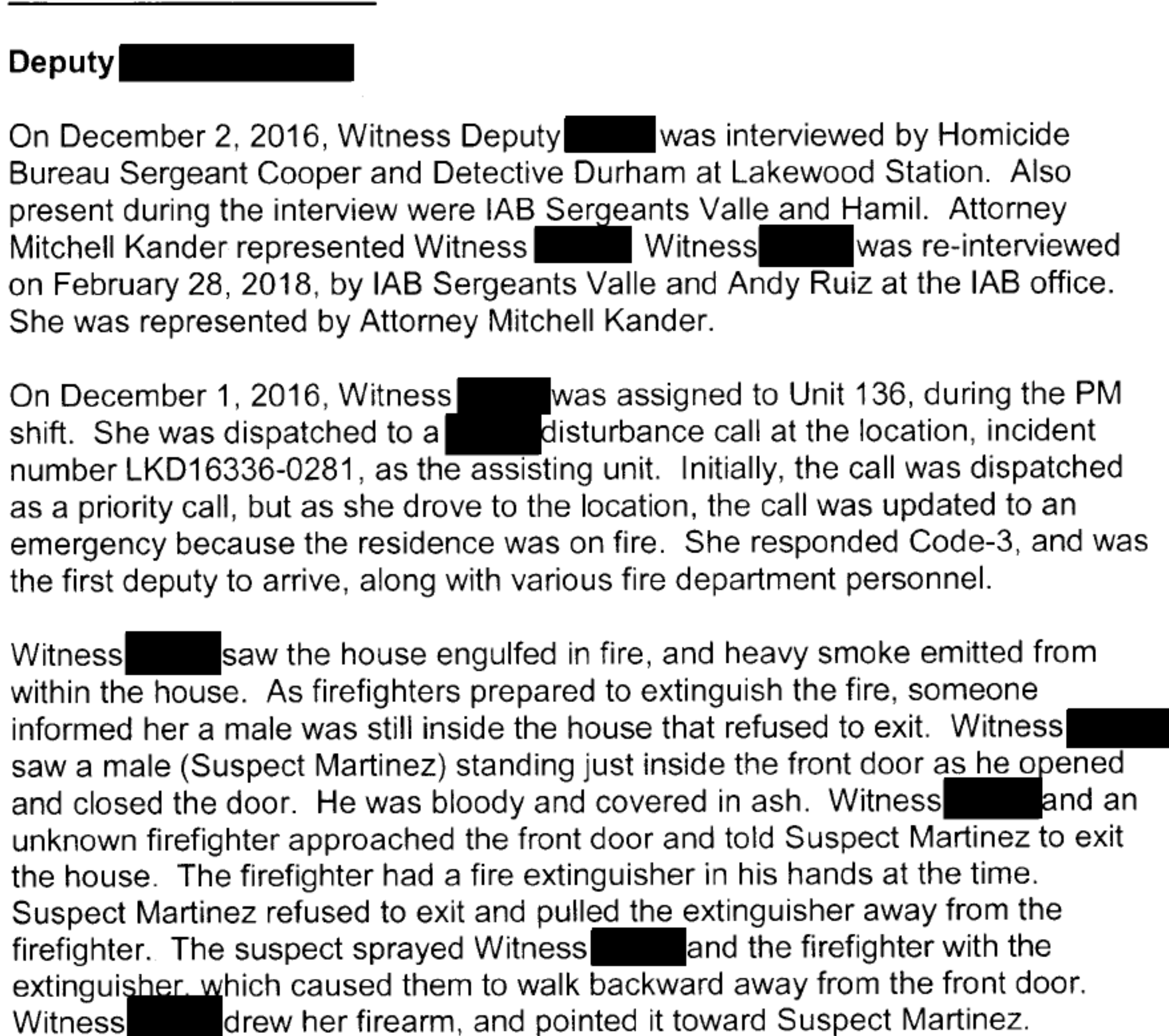
Suspect Martinez was carried away from the front yard to an awaiting ambulance for medical treatment. Deputy Chavez, Witnesses [redacted] and [redacted] all checked themselves for any gunshot wounds, but they did not find any wounds. Deputy Chavez inspected his firearm and saw a cartridge in the chamber. Although he did not perform a "press check" of his firearm, he saw a cartridge in the chamber through the small gap on the top of the slide of his firearm. He did not remove the magazine from the well to visually inspect the magazine.

IAB Note: **A "press check" is an administrative gun handling task to press the slide back from the muzzle end of the slide to visually inspect if a bullet is chambered in the firearm.**

Deputy Chavez believed he spoke to Sergeant Mat Taylor, #[redacted] Unit 131S, and notified him of his use of force. Deputy Chavez was transported to Lakewood Regional Medical Center and was treated for smoke inhalation, a facial contusion, and a bite to his right forearm.

During the Homicide Bureau's interview, the detectives asked Deputy Chavez how was his firearm loaded prior to his shift. His firearm was fully loaded, with one live round in the chamber and seventeen rounds in the magazine. Homicide Bureau Detective Cooper inspected the firearm and found one fired cartridge in the chamber and seventeen live rounds in the magazine. Each round bore the head stamp "9mm Luger WIN."

During Deputy Chavez' IAB interview, investigators played the entire video Mr. [redacted] recorded of the incident **[Exhibit G]**. Deputy Chavez said he saw himself in the video, and identified himself as the deputy running on the sidewalk at 00:16 seconds of the video. Deputy Chavez was shown several photographs that were taken by Scientific Services Bureau. These photographs were used to help him describe portions of his interview, such as where he was positioned during the incident, and of his injury **[Exhibit H]**.



WITNESS STATEMENTS

Deputy [redacted]

On December 2, 2016, Witness Deputy [redacted] was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also present during the interview were IAB Sergeants Valle and Hamil. Attorney Mitchell Kander represented Witness [redacted] Witness [redacted] was re-interviewed on February 28, 2018, by IAB Sergeants Valle and Andy Ruiz at the IAB office. She was represented by Attorney Mitchell Kander.

On December 1, 2016, Witness [redacted] was assigned to Unit 136, during the PM shift. She was dispatched to a [redacted] disturbance call at the location, incident number LKD16336-0281, as the assisting unit. Initially, the call was dispatched as a priority call, but as she drove to the location, the call was updated to an emergency because the residence was on fire. She responded Code-3, and was the first deputy to arrive, along with various fire department personnel.

Witness [redacted] saw the house engulfed in fire, and heavy smoke emitted from within the house. As firefighters prepared to extinguish the fire, someone informed her a male was still inside the house that refused to exit. Witness [redacted] saw a male (Suspect Martinez) standing just inside the front door as he opened and closed the door. He was bloody and covered in ash. Witness [redacted] and an unknown firefighter approached the front door and told Suspect Martinez to exit the house. The firefighter had a fire extinguisher in his hands at the time. Suspect Martinez refused to exit and pulled the extinguisher away from the firefighter. The suspect sprayed Witness [redacted] and the firefighter with the extinguisher, which caused them to walk backward away from the front door. Witness [redacted] drew her firearm, and pointed it toward Suspect Martinez. Witness [redacted] stood inside the front yard.

At this point, Deputy Chavez and Witness [redacted] arrived, and stood beside Witness [redacted] in the front yard. They quickly formulated a plan to get Suspect Martinez out of the house. Witness [redacted] saw blood on the front porch and knew they needed to get Suspect Martinez out to save his life. The plan was for the three of them to approach the front door and pull the suspect out of the house. Deputy Chavez and Witness [redacted] planned to contact the suspect and pull him out of the house, while Witness [redacted] would be assigned lethal force if needed.

When Deputy Chavez and Witness [redacted] approached the front door, Suspect Martinez stood inside while he held onto a metal medical walker. Suspect Martinez held the walker over his head, and with a downward swing, he struck Deputy Chavez one time. Deputy Chavez held both of the suspect's hands upward, over his head, to block the strike. Deputy Chavez grabbed the walker, pulled it away from Suspect Martinez, and threw it to the side. Witness [redacted] saw Suspect Martinez exit the house as he swung his fists. Once he was on the front lawn, Witness [redacted] Deputy Chavez, and Witness [redacted] took Suspect Martinez down to the grass.

Initially, Suspect Martinez landed on top of Deputy Chavez, but he was quickly rolled over onto his stomach. Deputy Chavez transitioned himself and got on Suspect Martinez' back. Witness [redacted] stood on Suspect Martinez' right side, while Witness [redacted] positioned herself on his left side. Witness [redacted] attempted to handcuff Suspect Martinez' right wrist, but he resisted her efforts and pulled away from her grasp. The suspect kept his right hand in a fist, and tucked it underneath his upper torso. Witness [redacted] handcuffed the suspect's right wrist. She could not move the suspect's hand behind his back because he continued to pull his hand away from her.

Witness [redacted] saw Deputy Chavez and Witness [redacted] punch Suspect Martinez several times in the face, upper back, and head. The punches had no effect on the suspect. At one point, Deputy Chavez had his right arm around the front of the suspect's neck. Witness [redacted] heard Deputy Chavez yell out, "I got bit! He just bit me!" During the fight, Witness [redacted] heard Witness [redacted] yell out loud, "He's going for my gun!" IAB investigators asked her if she saw Suspect Martinez holding onto Witness [redacted] firearm. Witness [redacted] did not see him holding the firearm. As Deputy [redacted] held onto Suspect Martinez' right arm, she heard Deputy [redacted] yell out she had a Taser. Witness [redacted] heard the Taser fired and cycled, but could not see where the darts contact the suspect. She believed Deputy [redacted] cycled the Taser two times. Each cycle did not have an effect on Suspect Martinez. The suspect resisted and refused to follow their commands to place his hands behind his back and to stop fighting.

Witness [redacted] recalled the suspect's right wrist had been cut, and profusely bleed. Witness [redacted] noticed her hands were covered with blood, and it was

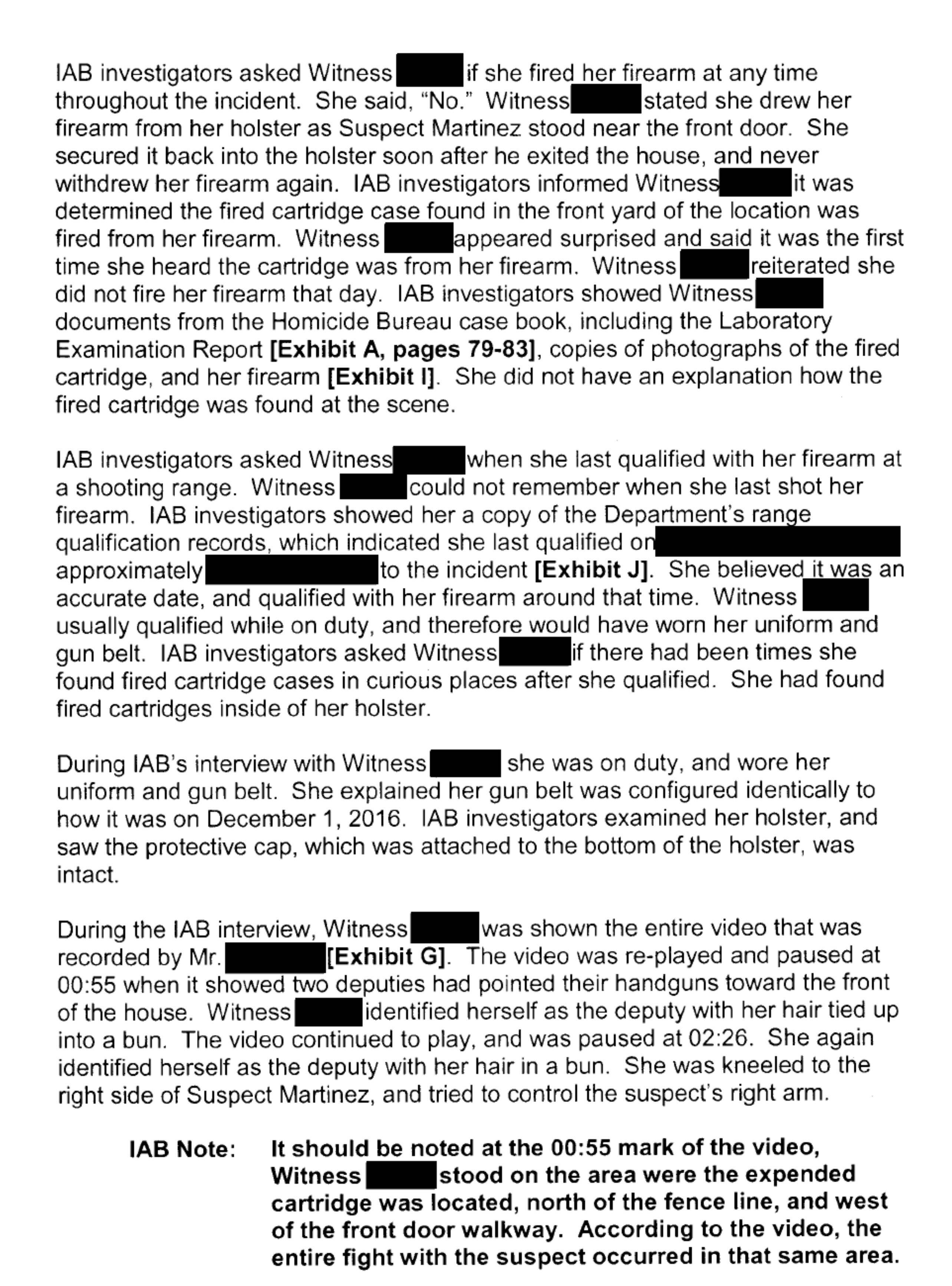
extremely difficult to maintain a grip on the suspect. She pulled the suspect's right hand close to her chest to maintain a grip of his slippery skin.

When IAB investigators asked Witness [redacted] if she saw Suspect Martinez holding onto a knife, she said she did not; however, she knew a knife was seen near the suspect. Witness [redacted] arrived and took control of Suspect Martinez' left hand and handcuffed it. Both Witnesses [redacted] and [redacted] attempted to complete the handcuffing, but Deputy Chavez was in the way. They told Deputy Chavez to move away from Suspect Martinez in order to connect the two handcuffs together. Witness [redacted] yelled he saw a knife between the suspect's legs. Witness [redacted] picked up the knife and threw it away from them.

Witness [redacted] said she heard one "loud explosion." At the time, she did not know what it was, but then heard Deputy Chavez yell out, "I got shot! I think I got shot!" She heard Witness [redacted] yell, "They're shooting at us!", and Witness [redacted] yell, "I think it's an IAD!" Witness [redacted] did not know what the sound was, but Deputy Chavez told everyone to check themselves for any wounds. They all quickly checked themselves, and when they did not find any wounds, they continued to handcuff Suspect Martinez. Witnesses [redacted] and [redacted] eventually connected the two handcuffs together, and secured Suspect Martinez' hands behind his back. Witness [redacted] assisted the other deputies and carried Suspect Martinez from the front yard and onto the street where the fire department trucks were parked.

Witness [redacted] said an unknown deputy helped Suspect Martinez and placed some type of bandages on his injuries. Witness [redacted] did not provide details about the injuries she saw, nor how the deputies treated the suspect. IAB investigators asked Witness [redacted] if she sustained any injuries during the incident. Witness [redacted] sustained several scratches to her hands. Because the fight occurred close to the burning house, Witness [redacted] was medically treated at Lakewood Regional Medical Center for smoke inhalation. She found it difficult to breathe for next two days after the incident.

IAB Note: **Prior to ending the interview with Homicide Bureau, Witness [redacted] stated her handgun, a Smith & Wesson, model M&P9, 9mm, was loaded to capacity, having one live round in the chamber, and seventeen additional live rounds in the magazine. Her firearm was taken by Homicide Bureau detectives as evidence, and was examined by Scientific Services Bureau Deputy Ivan Chavez. During the examination of her firearm and ammunition, it was determined the expended cartridge, found on the front yard of the location had been fired from Witness [redacted] firearm [Exhibit A, pages 79-83].**



IAB investigators asked Witness [redacted] if she fired her firearm at any time throughout the incident. She said, "No." Witness [redacted] stated she drew her firearm from her holster as Suspect Martinez stood near the front door. She secured it back into the holster soon after he exited the house, and never withdrew her firearm again. IAB investigators informed Witness [redacted] it was determined the fired cartridge case found in the front yard of the location was fired from her firearm. Witness [redacted] appeared surprised and said it was the first time she heard the cartridge was from her firearm. Witness [redacted] reiterated she did not fire her firearm that day. IAB investigators showed Witness [redacted] documents from the Homicide Bureau case book, including the Laboratory Examination Report **[Exhibit A, pages 79-83]**, copies of photographs of the fired cartridge, and her firearm **[Exhibit I]**. She did not have an explanation how the fired cartridge was found at the scene.

IAB investigators asked Witness [redacted] when she last qualified with her firearm at a shooting range. Witness [redacted] could not remember when she last shot her firearm. IAB investigators showed her a copy of the Department's range qualification records, which indicated she last qualified on [redacted] approximately [redacted] to the incident **[Exhibit J]**. She believed it was an accurate date, and qualified with her firearm around that time. Witness [redacted] usually qualified while on duty, and therefore would have worn her uniform and gun belt. IAB investigators asked Witness [redacted] if there had been times she found fired cartridge cases in curious places after she qualified. She had found fired cartridges inside of her holster.

During IAB's interview with Witness [redacted] she was on duty, and wore her uniform and gun belt. She explained her gun belt was configured identically to how it was on December 1, 2016. IAB investigators examined her holster, and saw the protective cap, which was attached to the bottom of the holster, was intact.

During the IAB interview, Witness [redacted] was shown the entire video that was recorded by Mr. [redacted] **[Exhibit G]**. The video was re-played and paused at 00:55 when it showed two deputies had pointed their handguns toward the front of the house. Witness [redacted] identified herself as the deputy with her hair tied up into a bun. The video continued to play, and was paused at 02:26. She again identified herself as the deputy with her hair in a bun. She was kneeled to the right side of Suspect Martinez, and tried to control the suspect's right arm.

IAB Note: **It should be noted at the 00:55 mark of the video, Witness [redacted] stood on the area were the expended cartridge was located, north of the fence line, and west of the front door walkway. According to the video, the entire fight with the suspect occurred in that same area.**

During Witness [redacted] IAB interview, she was shown several photographs taken by Scientific Services Bureau. These photographs were used to help her describe portions of her interview, and to help describe where she was positioned during the incident. Witness [redacted] utilized a pen to write her name and employee numbers on each of the pages, **[Exhibit I]**.

Deputy [redacted]

On December 2, 2016, Witness Deputy [redacted] was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also, present during the interview was IAB Sergeant Valle. Attorney Mitchell Kander represented Witness [redacted] She was interviewed a second time on February 27, 2018, by IAB Sergeants Valle and Ruiz at the IAB office, and was again represented by Attorney Mitchell Kander.

On December 1, 2016, Witness [redacted] was assigned to Unit 136T1, during the PM shift. She recalled being at the Paramount Substation when she heard a [redacted] disturbance call being dispatched over her portable radio. When the call was upgraded to a Code-3 response because the house was on fire, she assigned herself to the call as an assisting unit. She drove non Code-3 to the location.

When Witness [redacted] arrived on San Luis Street, she saw several fire department vehicles parked in front of the house. She purposely parked several houses away from the house in order to give the fire department room to park additional trucks and vehicles. She and Deputy Chavez arrived at the location around the same time. They both ran to the front yard of the house. Witness [redacted] noticed Witness [redacted] was already on scene, and standing on the front lawn of the house. Witness [redacted] yelled at someone at the front door to exit the house. The house was on fire and a large amount of smoke emitted into the air. Witness [redacted] had her handgun drawn and pointed toward the front door. She yelled to someone inside, "Get out of the house, the house is on fire, get out of the house!"

Witness [redacted] looked toward the front door and saw a male (Suspect Martinez), who stood inside the front doorway. The suspect kept opening and closing the door, as he peaked his head in and out. Witness [redacted] initially thought Suspect Martinez needed help to exit the house because he held a medical walker in his hands. Witness [redacted] yelled at Suspect Martinez to exit the house, as she waived her hands for him to walk toward her. Witness [redacted] heard an unknown firefighter say they needed to get Suspect Martinez out of the house so they could enter to rescue anyone who could be inside, and to extinguish the fire.

Witness [redacted] formulated a plan to contact Suspect Martinez, and to get him to exit the house. She told Witness [redacted] she would be the lethal force option,

and responsible for any radio communication. Witness [redacted] told Deputy Chavez they would contact the suspect, and when they had the opportunity, they would grab him and pull him out of the house.

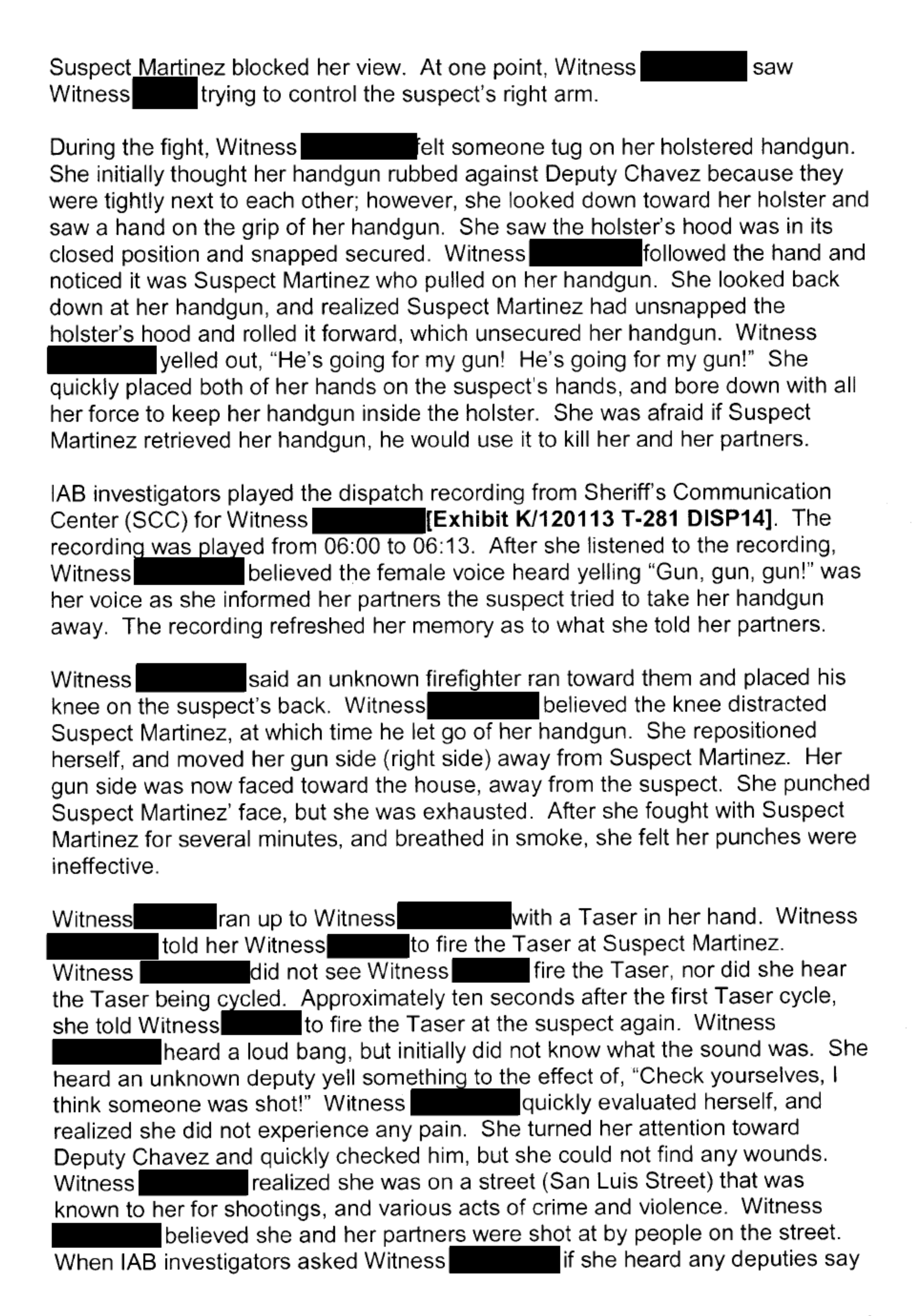
Witness [redacted] began to walk up the steps of the front porch to contact the suspect, but Deputy Chavez placed his hand on her shoulder and pulled her back. Deputy Chavez said he would go first. When Deputy Chavez stood in front of the open door, Suspect Martinez held the walker over his head. The suspect used the walker and struck Deputy Chavez' face, which caused him to stumble backward. She believed Suspect Martinez hit Deputy Chavez twice. Deputy Chavez grabbed the walker and pulled it away from Suspect Martinez, and threw it to the side. Deputy Chavez wrapped his arms around Suspect Martinez, and pulled him away from the front door, onto the front lawn.

Witness [redacted] and Deputy Chavez fell backward onto the lawn. Suspect Martinez landed on top of them. They quickly placed Suspect Martinez face down on the ground. Deputy Chavez climbed on top of the suspect's back. Witness [redacted] was on Suspect Martinez' right side and Witness [redacted] was on his left side. Witness [redacted] attempted to gain control of Suspect Martinez' left hand in order to handcuff it, but the suspect resisted and pulled away from her. The suspect pulled his left hand underneath his body.

While on the ground, Suspect Martinez continued to fight. He swung his elbows backward, in an attempt to hit personnel. At one point, Suspect Martinez attempted to bite Witness [redacted] arm and tried to get up off of the ground. Witness [redacted] was afraid if Suspect Martinez got up, he would be more of a threat to them, and he would be in a position of advantage.

At this point of the fight, Witness [redacted] eyes began to burn and had difficulty breathing because of the heavy amount of smoke that emitted from the house. While Witness [redacted] tried to control Suspect Martinez' right arm, Witness [redacted] tried to control the suspect's left arm. Witness [redacted] remained on the ground with Suspect Martinez. He resisted her efforts and pulled away from her, and placed his left hand underneath his body. She punched Suspect Martinez several times on the left side of his torso, specifically the ribcage. Witness [redacted] could not remember how many times she punched the suspect. When Witness [redacted] ordered Suspect Martinez to stop fighting, another deputy told the suspect to stop biting.

IAB investigators asked Witness [redacted] if she saw anyone use force on the suspect. She saw Deputy Chavez had punched Suspect Martinez several times on his back, and at one point, she saw Deputy Chavez attempted to apply the carotid restraint with his left arm. She heard Deputy Chavez scream out in pain, and quickly pulled his left arm away from the suspect's neck. Witness [redacted] looked at Deputy Chavez and saw a bite mark on his forearm. Witness [redacted] could not see Witness [redacted] actions because Deputy Chavez and



Suspect Martinez blocked her view. At one point, Witness [redacted] saw Witness [redacted] trying to control the suspect's right arm.

During the fight, Witness [redacted] felt someone tug on her holstered handgun. She initially thought her handgun rubbed against Deputy Chavez because they were tightly next to each other; however, she looked down toward her holster and saw a hand on the grip of her handgun. She saw the holster's hood was in its closed position and snapped secured. Witness [redacted] followed the hand and noticed it was Suspect Martinez who pulled on her handgun. She looked back down at her handgun, and realized Suspect Martinez had unsnapped the holster's hood and rolled it forward, which unsecured her handgun. Witness [redacted] yelled out, "He's going for my gun! He's going for my gun!" She quickly placed both of her hands on the suspect's hands, and bore down with all her force to keep her handgun inside the holster. She was afraid if Suspect Martinez retrieved her handgun, he would use it to kill her and her partners.

IAB investigators played the dispatch recording from Sheriff's Communication Center (SCC) for Witness [redacted] **[Exhibit K/120113 T-281 DISP14]**. The recording was played from 06:00 to 06:13. After she listened to the recording, Witness [redacted] believed the female voice heard yelling "Gun, gun, gun!" was her voice as she informed her partners the suspect tried to take her handgun away. The recording refreshed her memory as to what she told her partners.

Witness [redacted] said an unknown firefighter ran toward them and placed his knee on the suspect's back. Witness [redacted] believed the knee distracted Suspect Martinez, at which time he let go of her handgun. She repositioned herself, and moved her gun side (right side) away from Suspect Martinez. Her gun side was now faced toward the house, away from the suspect. She punched Suspect Martinez' face, but she was exhausted. After she fought with Suspect Martinez for several minutes, and breathed in smoke, she felt her punches were ineffective.

Witness [redacted] ran up to Witness [redacted] with a Taser in her hand. Witness [redacted] told her Witness [redacted] to fire the Taser at Suspect Martinez. Witness [redacted] did not see Witness [redacted] fire the Taser, nor did she hear the Taser being cycled. Approximately ten seconds after the first Taser cycle, she told Witness [redacted] to fire the Taser at the suspect again. Witness [redacted] heard a loud bang, but initially did not know what the sound was. She heard an unknown deputy yell something to the effect of, "Check yourselves, I think someone was shot!" Witness [redacted] quickly evaluated herself, and realized she did not experience any pain. She turned her attention toward Deputy Chavez and quickly checked him, but she could not find any wounds. Witness [redacted] realized she was on a street (San Luis Street) that was known to her for shootings, and various acts of crime and violence. Witness [redacted] believed she and her partners were shot at by people on the street. When IAB investigators asked Witness [redacted] if she heard any deputies say

they shot their handgun, she said, "No." When IAB investigators asked her if she shot her handgun, she said she did not.

Suspect Martinez was eventually handcuffed, but Witness [redacted] could not remember how it occurred. She was exhausted from the fight and the smoke, but recalled deputies arrived to assist with placing the suspect in handcuffs. Witness [redacted] assisted the group of deputies. She held onto the left side of Suspect Martinez' body, and carried him to the street to await medical treatment. IAB investigators asked Witness [redacted] if she saw any wounds or injuries on Suspect Martinez. She saw a bleeding wound on the suspect's right wrist.

While they waited for medical aide, Witness [redacted] heard Witness [redacted] say she needed gauze and a trauma kit for the suspect. Witness [redacted] ran to the nearest patrol car and found a rag in the trunk. She took the rag to Witness [redacted] in order to apply pressure to Suspect Martinez' bleeding wound. Witness [redacted] ran to nearby patrol cars to look for a trauma kit, but could not find one. By this time, Suspect Martinez was being treated by paramedics and being loaded into an ambulance.

IAB investigators showed Witness [redacted] the entire video recorded by Mr. [redacted] **[Exhibit G]**. She identified herself to be the person to the left of Suspect Martinez during the fight. The video was paused at the 02:20 mark. IAB investigators asked Witness [redacted] if at that moment had the firefighter placed his knee on Suspect Martinez' back. She said, "Yes." When the video was played and paused at the 02:31 mark, IAB investigators asked her what she was doing with her right hand on her right hip. She replied, she snapped closed the hood of her holster after Suspect Martinez tried to take her gun away. When the video was played and paused at the 03:59 mark, IAB investigators asked her if the pop sound heard in the video was the sound she heard during the fight. She replied it was consistent with what she heard that day.

Witness [redacted] was medically treated at Lakewood Regional Medical Center for smoke inhalation and lower back pain.

Deputy [redacted]

On December 2, 2016, Witness Deputy [redacted] was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also present during the interview were IAB Sergeants Valle and Hamil. Attorney Mitchell Kander represented Witness [redacted] He was interviewed a second time on March 8, 2018, by IAB Sergeants Valle and Israel Renteria at the IAB office, and was again represented by Attorney Mitchell Kander.

On December 1, 2016, Witness [redacted] was assigned to Unit 136A, during the PM shift. While he completed an unrelated call for service, he heard a [redacted] disturbance call dispatched over his portable radio. Witness [redacted] assigned

himself to the call, and began to respond to the location. While he drove, the call was updated to a Code-3 response since the house was now on fire. Although Witness [redacted] did not respond Code-3, he eventually arrived to the location.

When Witness [redacted] arrived, he parked several houses away because of the several fire and Department vehicles parked on the street. Several civilians pointed toward a location, which was on fire and emitted a large amount of smoke into the air. Witness [redacted] ran to the location and noticed several deputies struggling with a male (Suspect Martinez) on the front yard. He identified the deputies as Deputy Chavez, Witnesses [redacted] and [redacted] Witness [redacted] stood near the other deputies who tried to gain control of the suspect's hands. Deputy Chavez was on top of Suspect Martinez' back, as he pinned him down to the ground. Witness [redacted] was on the ground, on Suspect Martinez' right side, as he tried to control the suspect's right arm. Witness [redacted] noticed Suspect Martinez' right wrist was cut and bleeding heavily. Witness [redacted] was on the ground, on Suspect Martinez' left side, as he tried to control his left arm. Witness [redacted] knelt down on the ground and assisted Witness [redacted] with the suspect's left arm.

As Witness [redacted] knelt down beside Suspect Martinez, he noticed a knife lying between his legs. Witness [redacted] quickly picked it up the knife, and tossed away from everyone. Deputy Chavez struggled with the suspect's right arm. Witness [redacted] grabbed the suspect's right hand and attempted to handcuff it to the left hand. Suspect Martinez resisted all efforts to be handcuffed. Witness [redacted] realized they could not handcuff the suspect because Deputy Chavez, who was still on Suspect Martinez' back, was in the way. Witness [redacted] told Deputy Chavez to move out of the way. Deputy Chavez rolled to his right side, off of Suspect Martinez, and onto the lawn. Deputy Chavez was on the right side of Suspect Martinez. While Witness [redacted] tried to apply the handcuffs, he heard a single loud "boom."

Immediately after hearing the sound, Deputy Chavez thought he had been shot. He told everyone to check themselves for a gunshot wound. Witness [redacted] said they all took a moment to check themselves. When it appeared everyone was okay, they resumed to handcuff Suspect Martinez.

Just before they handcuffed the suspect, Witness [redacted] saw a small dark colored bag lying next to the suspect's lower back. He described it to be similar to rosin bag, used by baseball players. Witness [redacted] thought it was an explosive device since he just heard the loud "boom." He did not know what caused the sound. Once he saw the small bag, he picked it up, and tossed it to the west portion of the front yard, where he tossed the knife.

Once Suspect Martinez was handcuffed, Witnesses [redacted] and [redacted] arrived to assist with controlling the suspect's legs. Witness [redacted] provided Witness [redacted] with his RIPP hobble restraint device to apply it around the

suspect's ankles. Suspect Martinez resisted Witness [redacted] efforts as he tried to secure the RIPP hobble restraint around the suspect's ankles. Once the RIPP hobble restraint was applied, Suspect Martinez was carried from the front yard and to the street. Witness [redacted] saw Suspect Martinez sustained a wound to his right buttocks, along with a cut to his right wrist. Witness [redacted] stated the paramedics were requested to treat and transport Suspect Martinez.

IAB investigators asked Witness [redacted] if he witnessed Witness [redacted] deploy and cycle the Taser. He said, "No." He arrived after it the Taser was fired. Witness [redacted] said the only use of force he witnessed was when the suspect resisted to be handcuffed by Deputy Chavez, Witnesses [redacted] and [redacted] Witness [redacted] was transported to Lakewood Regional Medical Center, and was treated for smoke inhalation.

During Witness [redacted] IAB interview, he was shown several photographs taken by Scientific Services Bureau. The photographs were used to help the witness describe portions of his interview. The witness identified the position of the knife, and the area where the knife was tossed. Witness [redacted] utilized a pen to write his name and employee numbers on each of the pages **[Exhibit L]**.

Deputy [redacted]

On December 2, 2016, Witness Deputy [redacted] was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also present during the interview were IAB Sergeants Valle and Hamil. Attorney Mitchell Kander represented Witness [redacted] She was interviewed a second time on February 27, 2018, by IAB Sergeants Valle and Ruiz at the IAB office, and was again represented by Attorney Mitchell Kander.

On December 1, 2016, Witness [redacted] was assigned to Unit 136G5, during the AM shift. While at the Paramount Substation, she heard a [redacted] disturbance call dispatched over her portable radio. Initially, she did not respond, but while she listened to the radio traffic on the L-Tac frequency, she heard Witness [redacted] inform assisting units a male (Suspect Martinez) barricaded himself inside the location. At that point, she assigned herself to the call, and drove to the location.

Witness [redacted] parked her car several houses away from the location. She heard radio transmission that deputies were now involved in a fight with the suspect. Witness [redacted] ran to the front yard of the location and saw several deputies involved in a fight with Suspect Martinez on the ground. Deputy Chavez was on the suspect's back. Witness [redacted] was on the Suspect Martinez' right side while Witness [redacted] was on the left side. Suspect Martinez was on his hand and knees with his chest and stomach toward the ground. The suspect tried to shake Deputy Chavez off his back. Suspect Martinez swung his arms to his sides in an attempt to hit each deputy. Witness [redacted] saw each deputy punch Suspect Martinez in the upper torso. Each deputy told him to stop

fighting, but he ignored their commands and continued to fight. Suspect Martinez appeared to overpower the deputies, who tried to control him.

Witness [redacted] removed her Department issued Taser as she ran up to the front lawn. When she arrived near the deputies, she heard Witness [redacted] yell out, "Tase him, Tase him!" Witness [redacted] realized the punches by the deputies were ineffective. She needed to stop Suspect Martinez from assaulting her partners; therefore, she fired the Taser one time, striking him in his chest. Witness [redacted] heard the Taser cycle, but realized it did not have an effect on the suspect. After the Taser cycle ended, an unknown firefighter told her Suspect Martinez attempted to take away Witness [redacted] gun.

Approximately fifteen seconds after the first Taser cycle ended, she cycled the Taser a second time, which did not have an effect on the suspect. She was not sure if the Taser darts made contact with the suspect because he had a sweater, and she did not see him react to the electrical pulse. Witness [redacted] said she did not reload the Taser with a new cartridge, but she used the same cartridge for both cycles. Witness [redacted] felt the Taser was the best force option at the time because there were several deputies in close proximity of each other.

IAB Note: **On December 8, 2016, under the direction of Homicide Bureau detectives, East Los Angeles Station Sergeant Paul Cardella, #[redacted] downloaded the data from Witness [redacted] Taser. The data report was included with the Homicide Bureau Case Book [Exhibit A, pages 69-70]. The report indicated the Taser was activated on December 1, 2016, at 15:06:08 hours, and at 15:06:30 hours, for five seconds per each cycle.**

Witness [redacted] assisted Witness [redacted] control the suspect's right arm behind his back. At that point, she heard a single gunshot. Someone yelled out they believed they had been shot, and to check each other for any injuries. Witness [redacted] got up from the ground, walked around the group of deputies, and checked them for any wounds. She did notice anyone with an obvious wound.

After Suspect Martinez was handcuffed, Witness [redacted] assisted the other deputies as they carried the suspect to the street away from the fire. Witness [redacted] noticed Suspect Martinez tried to bite the deputies as they carried him away from the house. Witness [redacted] noticed Suspect Martinez had two wounds. One appeared to be a laceration across his right wrist, and the appeared to be a puncture wound on his buttocks. An unknown deputy rendered medical aide to Suspect Martinez. The deputy applied a cloth to the suspect's wrist or buttocks before the paramedics arrived. When the paramedic units arrived, Suspect Martinez tried to bite one of them.

IAB investigators played the entire video recorded by Mr. [redacted] for Witness [redacted] **[Exhibit G]**. She identified herself at the 02:19 mark as the deputy who ran onto the front lawn with her back toward the camera. She also identified herself as the deputy with the Taser in her right hand.

During Witness [redacted] IAB interview, she was shown a photograph, taken by Scientific Services Bureau, of a Taser. She identified the Taser to be the one she was issued, and used during the incident. She utilized a pen to write her initials and employee numbers on the page **[Exhibit M]**.

Witness [redacted] was medically treated at Lakewood Regional Medical Center for smoke inhalation and lower back pain.

Deputy [redacted]

On December 2, 2016, Witness Deputy [redacted] was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also present during the interview were IAB Sergeants Valle and Hamil. Attorney Mitchell Kander represented Witness [redacted] She was interviewed a second time on February 20, 2018, by IAB Sergeant Valle at the IAB office, and was again represented by Attorney Mitchell Kander.

On December 1, 2016, Witness [redacted] who was assigned to Community Oriented Policing Bureau - South Los Angeles Station and was assigned to Unit 30N1 on AM shift. When she completed her shift in the south Los Angeles area, she drove her patrol car to the Paramount Substation. Once Witness [redacted] exited the freeway in Paramount, she switched her mobile radio to Dispatch 14 to monitor Lakewood Station radio traffic as she drove in the area. She heard deputies were involved in a fight at a location. Witness [redacted] realized she was close to the location. When the SCC dispatcher requested units to respond to the location Code-3, Witness [redacted] advised she could respond and responded Code-3.

When Witness [redacted] arrived on San Luis Street, she parked behind several fire department trucks, and looked for the deputies who needed assistance. Once people in the area directed her toward the deputies, she ran to the front yard of the location. She saw several deputies in a fight with a male (Suspect Martinez) on the lawn. The house was fully engulfed in fire, and a large amount of smoke emitted from the location. Witness [redacted] heard the deputies give Suspect Martinez several commands to stop fighting, and to place his hands behind his back. The deputies concentrated on Suspect Martinez' upper torso, but no one controlled the suspect's legs. Witness [redacted] ran over and wrapped both of her arms around Suspect Martinez' legs and thighs. She laid down on the suspect's legs and used her body weight to keep the legs still. Witness [redacted] body was parallel to the suspect's body. She tucked her head near Suspect Martinez' left buttocks, and faced away from him. She said it was difficult to breathe because

she inhaled the smoke that emitted from the fire. Suspect Martinez thrashed his legs, and tried to get Witness [redacted] off of his legs.

IAB investigators asked Witness [redacted] if she saw or heard a Taser being fired. She said she did not. She believed she felt the wires brush across her forehead when she controlled Suspect Martinez' legs. Witness [redacted] did not hear a gunshot. While she concentrated to control the suspect's legs, she heard someone yell, "I think I was shot!" She heard someone ask her if she was shot while simultaneously someone touched her as if they were looking for any injuries on her. Witness [redacted] maintained a hold of Suspect Martinez' legs until she was informed he had been handcuffed. Witness [redacted] asked her to move in a different position so he could apply a RIPP hobble restraint on the ankles. While she maintained a hold of Suspect Martinez's legs, Witness [redacted] pivoted her body to allow Witness [redacted] access to the suspect's ankles. Once Suspect Martinez was secured in handcuffs, she assisted the other deputies, and carried the suspect toward the street. Witness [redacted] saw blood around the Suspect Martinez' buttocks, but she could not remember which side.

IAB investigators played the entire video recorded by Mr [redacted] for Witness [redacted] **[Exhibit G]**. She identified herself at the 04:11 mark as the deputy who ran to the front lawn with her back toward the camera.

Deputy [redacted]

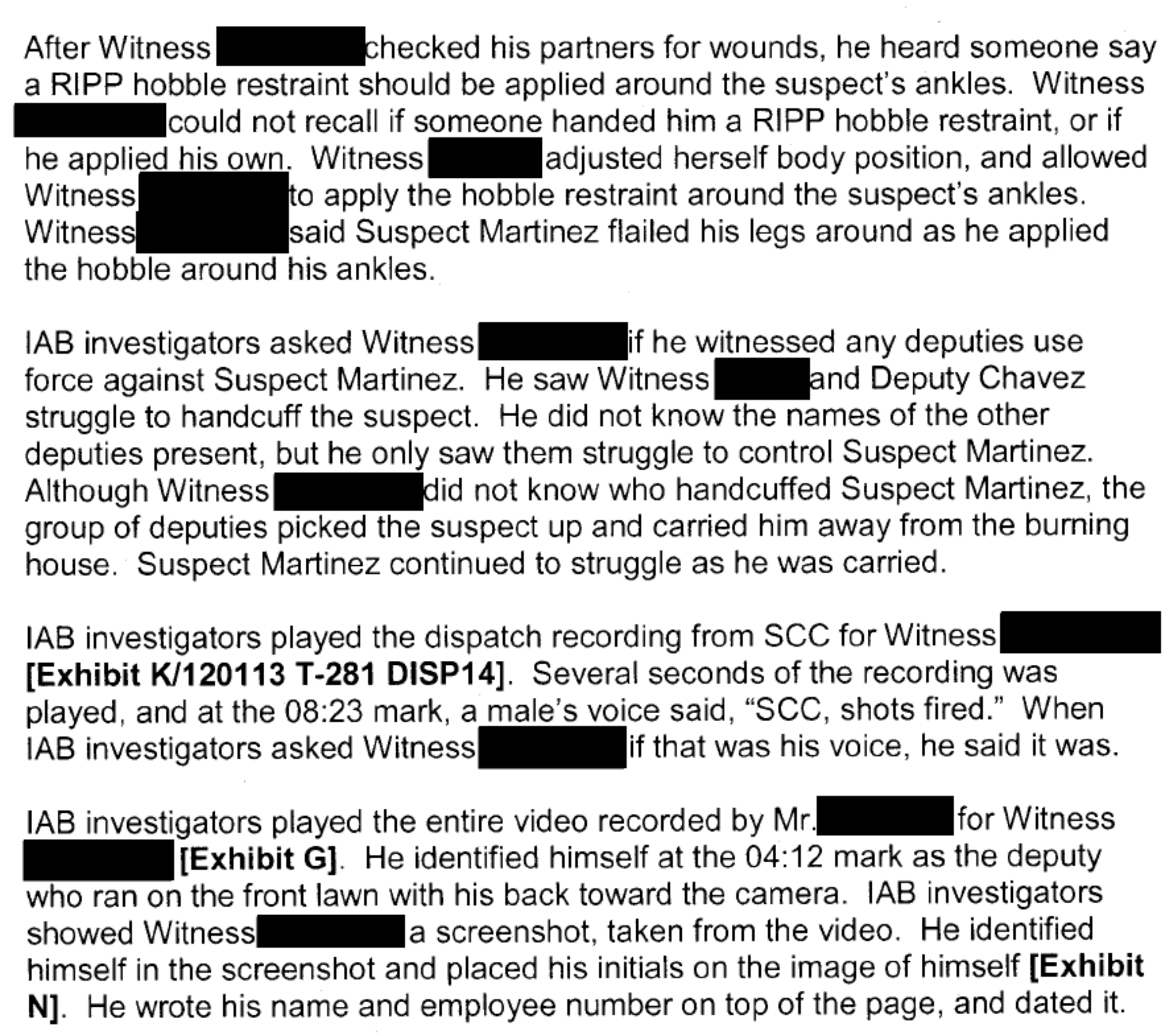
On December 2, 2016, Witness Deputy [redacted] was interviewed by Homicide Bureau Sergeant Cooper and Detective Durham at Lakewood Station. Also present during the interview were IAB Sergeants Valle and Hamil. Attorney Mitchell Kander represented Witness [redacted] He was interviewed a second time on February 20, 2018, by IAB Sergeant Valle at the IAB office, and was again represented by Attorney Mitchell Kander.

On December 1, 2016, Witness [redacted] was assigned to Unit 136B, during the PM shift. While on routine patrol, he heard deputies on the radio ask for assistance at a location because they were involved in fight. When he arrived, he and Witness [redacted] ran toward the front yard of the location. Witness [redacted] noticed several deputies on the ground as they struggled to handcuff a male (Suspect Martinez). Witness [redacted] immediately grabbed a hold of Suspect Martinez' legs, while other deputies tried to control his arms. There was no room for Witness [redacted] to assist.

As Witness [redacted] stood close to the group of deputies, he heard someone yell, "Hey, put out 923's!" Witness [redacted] used his portable radio and notified the SCC dispatcher of shots fired. Although he did not hear a gunshot, he followed the request and notified SCC of the information. Witness [redacted] heard Deputy Chavez yell he believed he was shot, and told the other deputies to check themselves for any wounds. Witness [redacted] walked around the

deputies, who were on the ground with Suspect Martinez, and physically checked them for any wounds.

> **IAB Note:** **"923" is a Los Angeles County Sheriff's Department radio code for illegal shooting. It is common for patrol deputies to use the code "923" to describe gunshots heard in the area.**



After Witness [redacted] checked his partners for wounds, he heard someone say a RIPP hobble restraint should be applied around the suspect's ankles. Witness [redacted] could not recall if someone handed him a RIPP hobble restraint, or if he applied his own. Witness [redacted] adjusted herself body position, and allowed Witness [redacted] to apply the hobble restraint around the suspect's ankles. Witness [redacted] said Suspect Martinez flailed his legs around as he applied the hobble around his ankles.

IAB investigators asked Witness [redacted] if he witnessed any deputies use force against Suspect Martinez. He saw Witness [redacted] and Deputy Chavez struggle to handcuff the suspect. He did not know the names of the other deputies present, but he only saw them struggle to control Suspect Martinez. Although Witness [redacted] did not know who handcuffed Suspect Martinez, the group of deputies picked the suspect up and carried him away from the burning house. Suspect Martinez continued to struggle as he was carried.

IAB investigators played the dispatch recording from SCC for Witness [redacted] **[Exhibit K/120113 T-281 DISP14]**. Several seconds of the recording was played, and at the 08:23 mark, a male's voice said, "SCC, shots fired." When IAB investigators asked Witness [redacted] if that was his voice, he said it was.

IAB investigators played the entire video recorded by Mr. [redacted] for Witness [redacted] **[Exhibit G]**. He identified himself at the 04:12 mark as the deputy who ran on the front lawn with his back toward the camera. IAB investigators showed Witness [redacted] a screenshot, taken from the video. He identified himself in the screenshot and placed his initials on the image of himself **[Exhibit N]**. He wrote his name and employee number on top of the page, and dated it.

Witness James Sweeny

On December 1, 2016, Witness James Sweeny was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles County Fire Department Station #31 in the city of Paramount. Witness Sweeny was a Los Angeles County Fire Department Captain at the time of the incident.

When he arrived to the location with his crew, he noticed heavy smoke emitting from the location. He was informed a possible victim was trapped inside the house.

Witness Sweeny and several firefighters attempted to enter the location through the front door, but they were met by a male (Suspect Martinez) who stood in the doorway. Witness Sweeny and other firefighters repeatedly told Suspect Martinez to exit the house, but he refused to comply. The male somehow produced a fire extinguisher in his hands. Suspect Martinez acted bizarre and repeatedly opened and closed the door while he stayed inside the burning house.

When Witness Sweeny approached the front door, Suspect Martinez sprayed him in the face with a dry chemical fire extinguisher. After he was sprayed, the suspect threw the fire extinguisher at him. Witness Sweeny and Firefighter Alex Magana (Witness Magana) continued to convince Suspect Martinez to exit the house; however, Suspect Martinez picked up a medical walker and struck Witness Magana in the chest. The suspect threw the walker at Witness Magana. Witness Sweeny directed Witness Magana to move away from Suspect Martinez, and enter the house through the back.

When Witness Magana moved to the back of the house, Witness Sweeny saw several deputies had arrived at the location. A male deputy walked toward the front door and ordered Suspect Martinez to exit the burning house; however, the suspect refused to exit. Suspect Martinez attacked the deputy while they stood on the front porch. The deputy grabbed Suspect Martinez and pulled him away from the front door onto the front lawn. Suspect Martinez violently fought and punched the deputy. The deputy fought back, and punched Suspect Martinez several times in his face and upper torso. The punches did not appear to have any effect on Suspect Martinez as he continued to punch, grab, and bite at the deputy.

Two or three female deputies arrived to assist the male deputy to subdue Suspect Martinez. They all struggled with Suspect Martinez to control and handcuff him. One of the female deputies used the Taser on Suspect Martinez, but it had no effect. He continued to fight with all the deputies involved. Witness Sweeny was concerned for the deputies' safety because Suspect Martinez did not stop fighting. Witness Sweeny helped the deputies control Suspect Martinez and placed his knee on the suspect's head.

At this point, Witness Sweeny heard a female deputy yell, "He's going for my gun, he's going for my gun!" Suspect Martinez had his hand on the deputy's gun belt, near her holstered handgun. Suspect Martinez pulled with enough force it lifted the deputy off the ground. Witness Sweeny quickly grabbed the suspect's arm to stop him from pulling out the deputy's handgun.

When additional deputies arrived, Witness Sweeny moved away to give them room to control Suspect Martinez. As he moved, Witness Sweeny heard the sound of a single gunshot from the area deputies fought with Suspect Martinez. Witness Sweeny did not see any deputy with their handgun out at that time. A

short time after he heard the gunshot, the deputies handcuffed Suspect Martinez, and carried him away the burning house, toward the street.

Witness Sweeny requested additional fire department personnel to the location to treat Suspect Martinez for any injuries. Fire department personnel treated Deputy Chavez for a bite wound to one of his arms, and an injury to one of his hands. Although Witness Sweeny wore his thick turn-out fire jacket during the incident, he sustained a scratch and a small bruise on his left elbow during the struggle with Suspects Martinez.

Witness Alex Magana

On December 1, 2016, Witness Alex Magana was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles County Fire Department Station #31 in the city of Paramount. Witness Magana was a Los Angeles County Fire Department Firefighter/Paramedic at the time of the incident. He was assigned as a paramedic on Squad #31.

Witness Magana and additional fire department personnel responded to the location regarding a house fire. When he arrived, he saw the house was full of heavy smoke and on fire. He was assigned to search and rescue any possible victims inside the house.

When Witness Magana approached the front of the house, he saw blood on the walkway leading to the closed front door. The doorway was closed with a metal security screen door. Witness Magana saw a male (Suspect Martinez) as he stood inside the house, behind the security door. Suspect Martinez refused to exit the burning house as he opened and closed the security door several times. Suddenly, Suspect Martinez opened the door as he held a fire extinguisher in his hands. Suspect Martinez sprayed the fire extinguishers dry chemical toward Witness Magana, and sprayed Witness Sweeny in his face. When the fire extinguisher was empty, he threw it toward Witness Sweeny. Suspect Martinez retrieved a medical walker from inside the house, and swung it toward Witness Magana and Witness Sweeny.

Witness Magana was ordered to make entry into the house to search for any trapped victims. Witness Magana walked away from the front of the house, and made entry into the house through the rear door with two additional firefighters. Witness Magana did not witness the altercation, nor the arrest of Suspect Martinez because he was inside the house at the time. Witness Magana was not injured during the incident with Suspect Martinez.

Witness Gary Balderston

On December 1, 2016, Witness Gary Balderston was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles

County Fire Department Station #31 in the city of Paramount. Witness Balderston was a Los Angeles County Fire Department Firefighter at the time of the incident.

Witness Balderston and his partners responded to the location regarding a structure fire. When he arrived, he saw a house on fire and full of heavy smoke. He was assigned to gain access to the roof to open ventilation holes to combat the fire. Witness Balderston positioned his ladder to the east of the front door of the house. While by the door, he saw a male (Suspect Martinez) standing inside. Firefighter ordered the suspect to exit the house, but he refused to exit the burning house. Suspect Martinez sprayed Witness Sweeny with the dry chemical from a fire extinguisher. When the extinguisher was empty, Suspect Martinez threw it toward Witness Sweeny. Suspect Martinez picked up a medical walker from within the house, and swung it toward Witness Sweeny.

As Witness Balderston continued to fight the fire, he saw Suspect Martinez fight with several deputies on the front lawn. Suspect Martinez did not following orders to stop fighting. At one point during the struggle, Witness Balderston heard a deputy yell, "He is reaching for my gun!" He was unable to see most of what occurred on the front lawn. His view was partially blocked, and he was busy trying to extinguish the fire. Approximately five to ten seconds after the deputy yelled out Suspect Martinez reached for his gun, Witness Balderston heard a single gunshot. He could not see if anyone was shot. Several other deputies arrived to assist, and eventually handcuffed Suspect Martinez. Witness Balderston did not see what happened after the suspect was handcuffed because he continued with his duties.

Witness Mike Westmoreland

On December 1, 2016, Witness Mike Westmoreland was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles County Fire Department Station #31 in the city of Paramount. Witness Westmoreland was a Los Angeles County Fire Department Firefighter at the time of the incident.

Witness Westmoreland and his crew responded to the location in response to a structure fire. When he arrived, he noticed the house was on fire, and full of heavy smoke. He was assigned to search and rescue any possible victims inside the house. Once he prepared himself to enter the house, he walked toward the front door. He carried tools to force the door open if necessary. When Witness Westmoreland was about to force open the metal security door with his tools, a male (Suspect Martinez) opened the door from inside. Several firefighters and deputies ordered Suspect Martinez to exit the burning house, but he ignored their commands, stayed inside, and closed the door.

Suspect Martinez repeatedly opened and closed the door, but he did not exit the location. Witness Westmoreland used a tool to damage the security door in an effort to disable the locked door knob to prevent it from being closed again. He was unsuccessful. Witness Sweeny ordered Witness Westmoreland to make entry into the house through the back door.

Later that afternoon, Witness Westmoreland learned Suspect Martinez assaulted the deputies and firefighters when they tried to rescue him from the burning house. He did not witness that portion of the incident since he attended to his firefighting duties.

Witness Heriberto Ortega

On December 1, 2016, Witness Heriberto Ortega was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles County Fire Department Station #31 in the city of Paramount. Witness Ortega was a Los Angeles County Fire Department Firefighter/Engineer at the time of the incident.

Witness Ortega and his crew responded to the location in response to a structure fire. When he arrived, he noticed a house on fire, and it was full of heavy smoke. He was assigned to climb on top of the house, and ventilate the roof to combat the fire. When Witness Ortega approached the house with a ladder, he saw a male (Suspect Martinez) inside the house. Suspect Martinez closed the front door, and refused to exit the burning house. Witness Ortega saw Suspect Martinez spray a fire extinguisher at Witness Sweeny. He heard several firefighters yell at Suspect Martinez to exit the house.

When several deputies arrived at the location, they were able to pull Suspect Martinez out of the house and onto the front lawn. Suspect Martinez immediately began to fight with the deputies on the ground. Witness Ortega heard a female deputy yell, "He's got my gun!" When he heard the statement, Witness Ortega tried to keep his fellow firefighters behind cover on the side of the house.

During the fight, Witness Sweeny and an unknown firefighter tried to help the deputies, who were actively involved is a fight with Suspect Martinez as they tried to control him. At that point, Witness Ortega heard a single gunshot. Witness Ortega did not see who fired the shot. He was focused on his duties, and climbed to the top of the house to ventilate the roof.

Witness Michael Rivera

On December 1, 2016, Witness Michael Rivera (Witness M. Rivera) was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles County Fire Department Station #31 in the city of

Paramount. Witness M. Rivera was a Los Angeles County Fire Department Firefighter Specialist at the time of the incident.

Witness M. Rivera and his crew responded to the location in response to a structure fire. When he arrived, he saw a house on fire, and it was full of heavy smoke. He was assigned to connect the fire truck to a nearby fire hydrant. When he stood by the front of the truck, he saw a male deputy and three female deputies struggle with a male (Suspect Martinez) in the front yard of the burning house. Suspect Martinez flailed his arms and legs, and fought with the deputies in a matter he believed the suspect was armed with a deputy's handgun.

A male deputy attempted to place Suspect Martinez in a carotid restraint. Witness M. Rivera walked to the front yard to help the deputies. When he asked the male deputy if he needed help, the deputy said, "I need help!" When Witness M. Rivera attempted to help, he heard a single gunshot.

After Suspect Martinez was handcuffed, the male deputy appeared tired from the long fight. The deputy had blood all over the front of his uniform shirt. Witness M. Rivera never saw Suspect Martinez with a firearm in his hand.

Witness Jaime Leclercq

On December 1, 2016, Witness Jaime Leclercq was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Los Angeles County Fire Department Station #31 in the city of Paramount. Witness Leclercq was a Los Angeles County Fire Department Firefighter/Paramedic at the time of the incident.

Witness Leclercq and his crew responded to the location in response to a structure fire. When he arrived, he saw a house on fire, and it was full of heavy smoke. He noticed the front door to the house was a metal security door. Witness Leclercq took a tool to the front door to force it open if needed. As he walked to the front door, he noticed blood drops led to the door. As he got close to the door, he saw a male (Suspect Martinez) open the door from within, and looked out. Witness Leclercq told Suspect Martinez to exit the burning house, but he refused to do so, and closed the door. Suspect Martinez opened and closed the door three times. When he opened it the fourth time, Witness Leclercq forced himself into the house, and pushed Suspect Martinez backward. Fellow firefighter told Witness Leclercq to not enter the house. When Witness Leclercq backed himself out of the house, Suspect Martinez followed him as he carried a fire extinguisher. Witness Leclercq backed far away from Suspect Martinez before the suspect used the extinguisher to spray Witness Sweeny.

Witness Sweeny directed Witness Leclercq toward the back of house to fight the fire. Witness Leclercq did not witness any actions by Suspect Martinez or the deputies.

Witness [redacted]

On December 2, 2016, Witness [redacted] was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at the Paramount Substation.

Witness [redacted] identified herself as the [redacted] of Suspect Martinez. Approximately two months prior, her [redacted] had a mental breakdown because he suffered from back pain and associated depression. He had been depressed because he was unable to find a job. Witness [redacted] showed the Homicide Bureau investigators two empty pill bottles labeled Cyclobenzaprine (10 mg) and Alprazolam (0.5 mg), which were prescribed medication to treat the suspect's depression and back pain. Although Suspect Martinez never attempted suicide before, he acted different after his mental breakdown.

Earlier that afternoon, Witness [redacted] and her [redacted] walked to the park. When they returned, they found [redacted] house on fire. She yelled to her neighbors to call 9-1-1 for assistance. Witness [redacted] told investigators she did not see her [redacted] fight with deputies or firefighters because the fire trucks blocked her view. Witness [redacted] indicated she did not want to continue with the interview.

Sergeant Daniel Inez

On July 15, 2020, Sergeant Inez was interviewed by IAB investigators as a subject matter expert in the area of Department issued weapons related to equipment and ammunition. He had been assigned to Weapons Training Unit as an instructor for approximately six years, both as a deputy and as a sergeant.

IAB investigators asked Sergeant Inez who were the manufacturers of the live ammunition that would have been issued to deputies during range qualifications during the latter part of 2016. He said one of the manufacturers was Speer, along with Winchester and Federal Cartridge Company.

IAB investigators asked Sergeant Inez if there have been incidents where expended cartridges have been found in curious places after being ejected from a firearm. Because Sergeant Inez was a tenured employee at Weapons Training Unit, he had personal knowledge, and heard various stories about where expended cartridges were found. Expended cartridges have been found on a person's gun belt, such as inside the bottom of portable radio holsters. Additionally, expended cartridges had been found at the bottom of the holsters for the Smith and Wesson M&P firearm. There was a plastic cap attached to the bottom of the Smith and Wesson M&P holster that is designed to protect the tactical light attached to the firearm. This plastic cap made it possible for an expended cartridge to lay at the bottom of the holsters, with a firearm properly holstered and secured. Expended cartridges have been found stuck to the back side of the magazine pouch, in the crease where the belt loops through the

pouch. Cartridges have remained in that position without knowledge for a significant amount of time. IAB investigators asked Sergeant Inez if it was possible an expended cartridge could remain in that position, even if the gun belt was donned and removed several times. He said it was possible, and that the cartridge could be dropped at other locations other than where it was fired from.

IAB investigators asked Sergeant Inez if he ever heard of an incident were a Smith and Wesson M&P firearm was discharged while properly secured in a duty holster. He said he had. IAB investigators showed Sergeant Inez a photograph of Deputy Chavez' gun belt, **[Exhibit F/ssb_0675pic01]**. He identified the holster to be the Department issued Safariland 6280 holster, designed for the Smith and Wesson M&P handgun. Sergeant Inez said the holster had enough space between the firearm and the holster that a thin object could be inserted between the two, and could have applied enough pressure to the trigger to discharge the weapon inside the holster. The Department was in the process of issuing an updated holster to prevent those types of incidents.

SUSPECT STATEMENT

Suspect Rodolfo Martinez

On December 5, 2016, Suspect Rodolfo Martinez was interviewed by Homicide Bureau Sergeant Chaffey Shepherd and Detective Jonas Shipe at Twin Towers Correctional Facility. He was housed in the Correctional Treatment Center due to his injuries. Suspect Martinez waived his Miranda Rights and agreed to answer the detectives' questions.

Suspect Martinez said he suffered from stress and nervousness. Although he had been prescribed medication, he did not know their names because his [redacted](Witness [redacted] kept them, and provided him his daily dose. He was unsure of any previous diagnosis related to his mental health.

On December 1, 2016, Suspect Martinez' [redacted] and [redacted] left the house to walk to a nearby park. While he was alone, he became angry because his neighbors began to yell at him. He became so upset, he retrieved a knife he kept in his bedroom, and cut both of his wrists. Suspect Martinez admitted he started four separate fires inside his [redacted] house with a butane lighter.

Once the fire grew large, Suspect Martinez tried to extinguish it with a fire extinguisher that was kept inside the house. When the firefighters arrived at the front door, they began to yell at him to get out of the house. Suspect Martinez admitted he fought with the firefighters near the front door because they yelled at him to exit. Suspect Martinez spayed some of the firefighters with the fire extinguisher because he believed they tried to hurt him with their fire hose. He did not throw the extinguisher at the firefighters, but he dropped it when deputies arrived and pointed their Taser at him.

Suspect Martinez said the deputies started to fight with him first when they yelled at him to get out of the house. He defended himself and struck the deputies with his [redacted] medical walker at the front door. He exited the house on his own, but he was assaulted by the deputies. Suspect Martinez claimed he was cooperative with the deputies, and never struck them with his fists at any time. The suspect admitted he grabbed a hold of one of the deputies' handguns during the struggle. He was scared because everyone yelled at him to stop fighting. Suspect Martinez said he intended to use the deputy's handgun to defend himself because he wanted everyone to leave him alone, and because he could not breathe due to the smoke from the fire.